

ZONING BOARD MINUTES JULY 19TH, 2023

The meeting of the Zoning Board of the Borough of Somerville was called to order by Chair Arthur Adair at 7:00 p.m. and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Arthur Adair, Roberta Karpinecz, Morgan McLachlan, John Flores, Eric Alvarez, Stewart Daniels

Board Members Absent: Brian Vadimsky, Richard O’Neill, Ed Allatt

Professionals Present: Clifford Gibbons, Esq., Board Attorney and Michael Cole, Board Planner and Engineer

Chairman Adair asked that the absence of above-mentioned board members be excused. Motioned by Roberta Karpinecz, seconded by Eric Alvarez.

See transcript.

APPROVAL OF MINUTES

Upon a motion by Roberta Karpinecz, seconded by John Flores, the regular and executive minutes of June 21st, were approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Roberta Karpinecz, Morgan McLachlan, John Flores, Eric Alvarez, Stewart Daniels

 Nay: None

 Abstain: None

LAND USE

23-004Z

Blueprint Mental Health

73 West End Ave

B129 L6

John Sullivan, Esq. attorney for the applicant Blueprint Mental Health & Consulting, LLC presented the application explaining that Blueprint Mental Health is current in occupancy and operating the adolescent counseling operation on the site since 2018. Mr. Sullivan gave an overview of the property as it currently exists and described that the application before the board this evening was to continue the current use of the property and add to the possibility of group therapy sessions on occasions. Mr. Sullivan explained that in terms of the physical changes to the site, there is a two-level porch that would be enclosed to convert the areas into two additional counseling rooms. In addition, the garage that is currently not in use would be converted into a “flex space”. This would consist of a large open room used for group sessions, administrative uses, meeting with internal staff and therapists. Mr. Sullivan addressed the items in the Cole

Report including site plan approval and variance approval for group therapy sessions, bulk variances for preexisting conditions, and increased impervious coverage. It was also stated that the applicant was proposing to close off the rear entrance that goes onto Camman Place, explaining that it is currently a through lot that experiences a lot of problems historically with non – customer and non-employees using the lot as a cut through to West End Ave. Mr. Sullivan stated that closing off this rear entrance will give the applicant the ability to reconfigure the parking lot to increase on-site parking.

Mr. Sullivan explained to the board that the site plan that was submitted was prepared by D’Amico Engineering, LLC, last revised April 10th of 2023 and that D’Amico has also submitted drainage calculations. Architectural plans were submitted and prepared by Total Architectural Plans dated April 12th of 2022.

Mr. Sullivan presented witnesses for the evening including John Mopper, representative of the applicant, Cory Fernandez, the architect, Deborah D’Amico, the engineer, and Henry Hinterstein, the professional planner.

Mr. Sullivan called Mr. Mopper as his first witness. Mr. Mopper was sworn in by Clifford Gibbons, Esq., Board Attorney.

Under direct examination by Mr. Sullivan, John Mopper explained his position with the applicant as a co-owner with his wife Michelle. Mr. Sullivan asked if he would briefly describe the business of the applicant. Mr. Mopper explained that they are an outpatient mental health counseling practice that specializes in children, teens, young adults etc. Primarily through individual counseling that takes place in 45 to 50 min sessions. Treating individuals that are struggling with depression, anxiety, and family conflicts. He went on to explain that since covid there has been a huge mental health need and that now they are overrun with individuals who are seeking support.

Mr. Sullivan confirmed with Mr. Mopper that he has been operating at this time since 2018 and that in connection with this application that he proposed to enclose two porches to be converted into counseling rooms resulting in 8 total counseling rooms within the facility. Mr. Sullivan then went on to confirm that the applicant was seeking to convert the garage to what he had labeled as flexible use, seeking a further description of what the use of the garage may be. Mr. Mopper explained that the flex space would be used for things such as an open house where they would invite people from the community to see the practice as well as a space for therapists to take a break in between sessions with patients, as well as a space for administrative work. Mr. Sullivan inquired what the purpose behind making the application was. Mr. Mopper reiterated that they are currently overrun with individuals that are seeking support with a wait list of roughly 200 people. The current solution in place has been virtual sessions which were very successful during covid however it is not the same as being in the room with someone and that they two additional session rooms would afford them the ability to be able to sit down with some of their younger patients with ADD and ADHD that are unable to complete a session virtually.

Mr. Sullivan questioned whether the operation would change in any way if the application were approved beginning with hours of operation. Mr. Mopper explained that the full-time therapist staff works a 20-hour week performing 20 sessions with patients with the hours of operation from 10am – 8pm, he went on to explain that didn't mean that all their full-time staff was on property holding sessions from 10am – 8pm just that they had the flexibility to schedule their 20 sessions a week from 10am – 8pm Monday – Friday. They went on to discuss additional topics of operation such as number of employees; staffers versus therapists, plans to hire additional staff, deliveries, garbage and recycling, on-site parking and group-sessions.

The pair further discussed the aspect of the application that proposed to close off driveway access to Camman Place. Mr. Mopper explained that unfortunately quite a few people use the driveway as a cut through to West End Ave or vice versa and that it is a safety concern for him as they are treating patients as young as 5 years old and that these families with young children are walking through and that he would think closing off the driveway would be the best for safety. Mr. Sullivan stated that in the report supplied by Mr. Cole it was noted that closing off Camman Place may create a problem with the one way with width for only one car past the porte-cochere. Mr. Mopper stated that there would be room for a car that was going to be leaving out of the parking lot to pull over before the porte-cochere to let a vehicle to turn into the parking lot.

Mr. Sullivan then questioned what the prior use of the property was prior to 2018. Mr. Mopper responded that it was owned by Dr. Susan Rowley who happened to be a psychiatrist who rented out individual offices in the building to outpatient therapists. Mr. Sullivan then stated that he would like to address a couple of items from Mr. Cole's report – including items A, 6 and 7, comment regarding replacing the entire lot and replacing curbing, upgrades to the HVAC system, unlevel sidewalks, and split utilities. All questions were acknowledged and responded to by Mr. Mopper.

Mr. Sullivan concluded his questioning for Mr. Mopper and Chairman Adair opened question of Mr. Mopper's testimony to the Board.

Board Member McLachlan questions the number of rooms on property – stating that Mr. Cole's report stated 11. Michael Cole, Board Planner and Engineer confirmed that the plans were submitted shows 11 rooms labeled as therapy rooms with 4 on the first floor and 5 upstairs with the additional 2 giving you 11 total, however he believes that what the applicant was testifying to was there are not nine existing offices. Mr. Mopper confirmed that there were not 9 active offices currently in the building.

Mr. McLachlan confirmed with Mr. Mopper that these offices were not rented out and that it was his business model that all the therapists were his direct employees – which was confirmed by Mr. Mopper.

Chairman Adair posed a question to Michael Cole, Board Planner and Engineer as to why the applicant was before them and if he could clarify.

Michael Cole, Board Planner and Engineer clarified that they are before the board due to the fact that the actual ordinance specially states that group therapy is not permitted and that the concern is the potential impact of large groups. Mr. Cole stated that this is why he drilled down in his report of “what is a group” and that he thinks the applicant is testifying to 3 people potentially, not 15.

Chairman Adair question if this had gone before the Planning Board at some point a couple of years ago and provided a recommendation to allow it. Mr. Cole confirmed that therapy was allowed but the concern was the group and having large group in small parking lots on top of residential areas and that no one could define what group meant therefore the applicant is here to say what group is. Mr. Cole stated that if it’s 3 people that is one thing but if it is 30 people in his opinion that would be much different. Mr. Mopper added that it would be clinically inappropriate to have a group that large and that they would not be holding sessions with that many people in any respect as they have codes themselves that they need to adhere to.

Mr. McLachlan asked Mr. Mopper to once more identify what the flex space would be used for. Mr. Mopper reiterated what was previously testified to.

Chairman Adair opened up to any additional questions from the Board.

Board member Flores questioned if the Camman Place exist was currently the common exit for everyone visiting. Mr. Mopper responded that he wouldn’t say that it was common but that most people probably exist out to West End Ave based on where they are traveling in from.

Discussion was had about the direction of the angled parking lot facing out to West End Ave and that it was a common occurrence for individuals to turn around in parking lot depending on what direction they were going in. It was also explained that the garage was going to be fully finished with nano doors that fold so that you can open the whole space to the outside. Mr. Cole stated to Mr. McLachlan’s point it’s a large area that could potentially fit a lot of people in.

Board Member McLachlan stated that an item that was touched on was that if the application were to be approved, a new owner some 20 or 30 years in the future would have to come back and get the use approved. Mr. Cole confirmed that if a new owner were to max out the space and convert the current waiting rooms into therapy spaces that a future owner could rent them out individually possibility resulting in an adverse impact on the adjoining residences including headlight glare, hours of operation etc. therefore the recommendation that he would be making should the board approve the application would be that the resolution is recorded at the county clerk’s office with the conditions that whomever buys the property need to come back to the board to show that the parking works for their proposed use.

Chairman Adair then opened up questions of the testimony given by Mr. Mopper to the public.

Member of the public David Lang, 18 Camman Place voiced several concerns including the Nano doors creating a large space, parking, the potential for events to be held.

Member of the public Harold Willard, 44 North Middaugh Street had a question in reference to the street itself, Camman Place - stating that the street is narrow, and parking is premium on the residential side. His questions being about the exit out of the parking lot to Camman Place. It was reiterated that the applicant was looking to close that exit off.

Mr. Sullivan then called his next witness, architect for the applicant, Cory Fernandez.

Clifford Gibbons, Esq., Board Attorney swore in Mr. Fernandez.

Under direct examination by Mr. Sullivan, Mr. Fernandez stated his qualification to the board including education, degrees, licenses held, nature of practice and previous land use boards he has been qualified as an expert before.

Mr. Fernandez confirmed that his firm prepared the architectural drawings that were submitted to the board and gave the board a description of the building, how it exists now and what was being proposed.

Mr. Sullivan asked Mr. Fernandez to specially address the items in Mr. Coles Report including room leader discharge, exterior color and trim color, access to the additional two rooms, potential noise levels from the heat pump.

Additional conversation was had regarding the noise levels. Mr. Cole requested some documentation that the split system complies at the closest property line, that would address any future issues with residence or group homes or change of use happening that is permitted within the zone.

Chairman Adair opened up to any additional questions from the Board.

Board Member McLachlan asked Mr. Fernandez if there was anything that needed to be done to the foundation for the two offices. Mr. Fernandez responded that the existing foundation was 8 inch block that was structurally sound and that they were just putting a coat of cement on the outside to clean it up. Mr. McLachlan questioned the foundation of the garage – which Mr. Fernandez confirmed was slab on grade – 8 inch block.

Chairman Adair then opened up questions of the testimony given by Mr. Fernandez to the public.

Member of the public Steve Johnson, 97 West End Ave asked if the garage conversion would require any restroom facilities and if it had sanitary. Mr. Fernandez responded that it did not. Mr. Johnson then inquired if there were any plans for a restroom, water, sinks etc - Mr. Fernandez responded “No”.

Member of the public Heather Lang, 18 Camman Place expressed concern with lighting as her residence faced the parking lot and asked that this item be addressed.

The attorney for the applicant explained to Mrs. Lang that that item will be addressed by the Engineer.

Mr. Sullivan called upon his next witness, engineer for the applicant Deborah D' Amico.

Clifford Gibbons, Esq., Board Attorney swore in Mrs. D' Amico.

Under direct examination by Mr. Sullivan, Mrs. D' Amico confirmed that she prepared the site plan drawings that were submitted to the board and gave the board a description of the site and how it exists currently including location, size, layout, and shape, surrounding properties, driveway and lot, drainage etc. Mrs. D' Amico also reviewed the proposed site improvements including the proposal to enclose two porches, increase the parking requirements per the zoning ordinance, and closing off the driveway to Camman Place. Proposed draining, lighting, screening and landscaping were also covered in depth by Mrs. D' Amico

Chairman Adair opened up to questions from the Board.

Board Member McLachlan posed the question of flooding issues on Camman Place to Board Planner and Engineer, Michael Cole. Mr. Cole responded that he was not aware of any flooding and that he had questioned that, and it was stated that they are going to leave the depressed curbs and pull out 20 FT of asphalt. The concern is that during a storm event it would become a mud hole that will not dry as well as go into the catch basin. Right now, it is all asphalt allowing water to sheet down the existing driveway onto Camman Place into the catch basin. Additional conversation was had between Board members and Board Engineer regarding the driveway and drainage and the impact shrubbery would have on the site and traffic on Camman Place.

Chairman Adair opened up to any additional questions from the Board.

Board Member Flores questioned what the access point is for people who park and go into the office. Mrs. D' Amico and Mr. Mopper responded providing detail that the entrance is a set of steps behind the portico.

Chairman Adair then opened up questions of the testimony given by Mr. D' Amico to the public.

Member of the public Heather Lang, 18 Camman Place again expressed concern with lighting as her residence faced the parking lot. She noted that the parking lot directly next to her residence used a motion sensor light in the evening time and wondered if that could be considered for the applicant property. Mrs. D' Amico responded that it can certainly be considered however they would be proposing to turn them off in the evening hours and have the lighting that is on the building be the security lighting.

Chairman Adair again opened up for any additional questions for Mrs. D'Amico from the public.

Attorney for the Applicant John Sullivan, Esq. then called upon his next witness Henry Hinterstein, planning for the applicant.

Clifford Gibbons, Esq., Board Attorney swore in Mr. Hinterstein.

Under direct examination by Mr. Sullivan, Mr. Hinterstein confirmed he was familiar with the site and reviewed once more the property as well as the variance relief being requested by the applicant to convert the easing porches into counseling space along with the garage conversion for use as a flex space as previously testified. Mr. Hinterstein then presented to the board that the application satisfies the positive criteria along with the two-prong negative criteria.

Mr. Hinterstein stated that he felt the particular site is suited for the group counseling aspect of the business and that no modification to the existing offices is necessary to allow for this accommodation. He also stated that nothing regarding the current operation would change and that there would be no increase in the footprint, only converting what is currently existing.

It was also stated that the proposed parking plan would allow for adequate parking along with the public parking that is accessible on West End Ave.

In terms of the negative criteria, Mr. Hinterstein stated that he did not believe that there would be any substantial detriment as a result of this application. The footprint isn't changing and there will not be any visible changes to the site with the exception of the four next surface spaces being added to the property. Mr. Hinterstein stated that if anything it is a positive that access to Camman Place is being eliminated – making the parking lot safer for patients while also eliminating the cut through traffic. This along with the landscaping that will be added will be a net benefit to the surrounding neighborhood.

Mr. Hinterstein testified that he felt that the application will promote several purposes and goals of the MLUL including A, C, E, G and M. Regarding the bulk variance that's been created is approximately 1.4 % more than what exists there today, something that's not going to be discernible.

Clifford Gibbons, Esq., Board Attorney asked if it would be Mr. Hinterstein testimony that the additional spaces would essentially advance Purpose A of Section 2 of the MLUL. Mr. Hinterstein confirmed that it would be his testimony.

Chairman Adair opened up to questions from the Board.

Chairman Adair opened up to questions from the public.

Member of the Public David Lang, 18 Camman Place posed a question of aesthetics and if the garage doors will look clinical or industrial or if they would be maintaining a residential look. Mr. Mopper explained that the garage doors do not face Camman Place and or West End Ave, however they do their best to preserve the Victoria style of the property and neighborhood.

Attorney for the applicant John Sullivan, Esq. then concluded the presentation of the evidence.

Michael Cole, Board Planner and Engineer stated that they had not discussed anything about the sanitary sewer comments. It was Mr. Coles' request that the sewer be televised due to the fact that it is 100-year-old. Mrs. D'Amico confirmed that they had no objection to televising the sanitary and that it can be a condition of approval.

Chairman Adair then opened up to questions from the public.

Member of the Public Greg Storms, DGM Management stated for the record that he is always encouraged when young people want to invest in a business and invest in Somerville and that he is in support of this application.

Member of the Public Steven Johnson, 97 West End Ave stated that he feels the conversion of the detached garage into a habitual occupancy is not appropriate for the neighborhood and that this approval would be setting a bad precedent for other homeowners in town to request a variance for possibly converting their garage space to a habitable or living-type space.

Member of the public Harold Willard, 44 North Middaugh Street questioned why these types of facilities are allowed to be in their neighborhood and at what point would they be too saturated with facilities that provided care for individuals suffering from mental health concerns. Chairman Adair explained to him that the market will determine when the area has become too saturated and that because the services these facilities provide are considered to be inherently beneficial that they are not required to come before the board for approvals.

Chairman Adair asked that someone move that the public portion comes to a close. Moved by Roberta Karpinecz, seconded by Morgan McLachlan. All member in favor and carried by Chairman Adair.

Attorney for the applicant John Sullivan, Esq. presented a conclusion of what had been presented to the board this evening and asked that the board considering approving the application with the conditions that were noted throughout the evening.

Clifford Gibbons, Esq., Board Attorney and Michael Cole, Board Planner and Engineer discussed conditions along with Board Members.

Upon a motion by Morgan McLachlan, seconded by Roberta Karpinecz, Zoning Board application 23-004Z Blueprint Mental Health, was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Roberta Karpinecz, Morgan McLachlan, John Flores, Eric Alvarez, Stewart Daniels

 Nay: None

 Abstain: None

AJOURN

The meeting was adjourned at 9:17 p.m.